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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/569,491

02/27/2006

Hideki Nakahara

2006_0248A

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12/29/2009

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EXAMINER

HUANG, DAVID S

ART UNIT

PAPER NUMBER

2611

MAIL DATE

DELIVERY MODE

12/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/569,491	Applicant(s) NAKAHARA ET AL.	
	Examiner DAVID HUANG	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, with respect to claims 1, 21, 23, and 24 have been fully considered and are persuasive. The §102 rejection of claim 1, 21, 23, and 24 has been withdrawn.
2. Applicant's arguments, with respect to the obviousness-type double patenting rejection have been fully considered and are persuasive. The rejection of 6/9/2009 has been withdrawn.
3. Applicant's arguments, with respect to the §112, 2nd paragraph rejections of 6/9/2009 have been fully considered but they are not persuasive. While most of the previous §112 issues have been addressed, the amendment to the claims brings to light new §112, 2nd paragraph issues.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 1-2 recite "a plurality of wireless stations each transmit a signal to a receiving station," but this conflicts with the preamble language itself and the body of the claim.

In line 3, "at least one transmitter side wireless station" is recited, but it is unclear if "transmitter-side wireless station" refers to one of the plurality of wireless stations recited in lines 1-2.

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In line 6, "transmission of a signal" is recited, but it is unclear if this "a signal" refers to the same "a signal" recited in line 2.

In line 8, "a predetermined delay amount" is recited, but it is unclear if there is only one delay amount for all of the wireless stations, or if there is a separately delay for each wireless station, as suggested by the amended limitation at the end of the claim.

In lines 13-14, "signals are received by said receiving section" is recited, but it is unclear where plural signals come from, as the body of the claim only recites "a signal" in lines 2 and 6.

Claim 5, line 2 recites "said timing detection section," but there is insufficient antecedent basis for this limitation in the claim. For examination on the merits, claim 5 will be understood to depend on claim 4, not 3, as currently recited.

Claim 7, line 7 recites "the signal transmitted by each wireless station," but it is unclear if this refers to the "signal *to be* transmitted to the receiving station" [emphasis added], as in lines 3-4. For examination on the merits, the limitation in line 7 will be understood to be "the signal to be transmitted..."

Claims not specifically addressed are dependent at least on claim 1, and have similar defects.

Independent claims 21-25 have similar issues as the ones addressed to claim 1 above.

Allowable Subject Matter

6. Claims 1-25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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7. The following is a statement of reasons for the indication of allowable subject matter:

The present invention discloses a wireless transmission system in which a plurality of wireless stations each transmit a signal to a receiving station. The prior art of record discloses a similar system, but fails to disclose when a number of transmitter-side wireless stations is larger than the predetermined maximum number of effective branches, the number of signal-receiving timings at which the receiving station receives signals is made equal to the predetermined maximum number of effective branches. This limitation distinguishes the independent claims over the prior art.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID HUANG whose telephone number is (571)270-1798.

The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on (571) 272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DSH/dsh

12/22/09

/David Huang/

Examiner, Art Unit 2611

/Shuwang Liu/

Supervisory Patent Examiner, Art Unit 2611